

REMARKS/ARGUMENTS

Claims 10-13 stand allowed, with claims 20 and 36 indicated as containing allowable subject matter and claims 1-3, 5-9, 14-19, 21-35, 37-43 and 47 rejected in the outstanding Official Action. Claim 36 has been cancelled without prejudice, newly written claims 48 and 49 added and claims 1, 10, 20, 22, 23 and 47 amended. Accordingly, claims 1-35, 37-43 and 47-49 are the only claims remaining in this application.

Interview conducted March 8, 2010

The interview conducted between Applicants' undersigned representative and Examiners Smith and Le is very much appreciated. The cited prior art references were discussed and agreement was reached that a quarter-wave-plate did not meet the definition of modulate as defined by Applicants as varying the amplitude, frequency, or phase of a carrier wave or a light wave for the transmission of intelligence (as by radio) as discussed on page 3 of the Pre-Appeal Request for Review.

The Examiner also agreed that the quarter-wave-plates in the Foord and Jenkins publications did not meet the limitations of modulating as defined above in the claims. The Examiner indicated that U.S. Patent 5,917,596 did teach opto-acoustic modulator which he interpreted as a means for creating information, but the undersigned indicated that it did not appear to be a reference to information, only to a distance measurement device. The Examiner suggested that the Applicants incorporate the limitation of claim 21 into claim 1 in order to overcome this '596 reference and incorporate the limitation of claim 21 into independent claims 22, 23 and 27. The granting of this interview is very much appreciated.

In view of the interview and in view of the indication of allowable subject matter on page 4 of the Official Action, Applicants have amended independent claims 1 and 23 to include the limitations of former claim 36 (and claim 36 has been cancelled without prejudice). This results in independent claims 1 and 23 being placed in condition for allowance (while the Examiner did not indicate that claim 23 combined with claim 26 is allowable, it will be assumed to be allowable in view of the subsequent argument specifically directed thereto). Accordingly, claims 1 and 23 and all claims dependent thereon are allowable, i.e., claims 2-9, 14-19, 21, 33-35 and 37-43 dependent on claim 1 and claims 24-32 dependent on claim 23.

As the Examiner also indicates that claim 20 contains allowable subject matter, the subject matter of former claims 18 and 1 have been incorporated into amended and now independent claim 20, thereby placing it in condition for allowance. Claims 10-13 have been indicated as containing allowable subject matter and claim 10 has been rewritten to include the limitations of former claim 1 from which it previously depended. Therefore, claims 10-13 are in condition for allowance.

Therefore, Applicants believe that in view of the above amendments, claims 1-35, 37-43 and 47 are in condition for allowance.

As noted above, Applicants believe that just as the addition of claim 36 subject matter to claim 1 renders claim 1 allowable, the addition of that limitation to claim 23 also makes claim 23 allowable. Former claims 23-32 were rejected on the basis of Foord in view of Akashi and/or Jenkins in view of Akashi. It is noted that both Foord's and Jenkins' disclosures are based upon the use of alumina as a substrate (Foord page 351, paragraph 3, line 3 and Jenkins section 3, paragraph 1, line 3) or a "common dielectric substrate" (Jenkins section 1, paragraph 2, line 4).

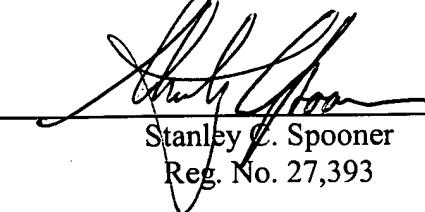
Neither of these comprise a disclosure of a substrate comprising silicon on insulator wafer and therefore is also believed to be patentable over the prior art.

Applicants have added newly written claims 48 and 49 directed, respectively, to the subject matter of claims 1 and 23, but with the additional limitation of claim 35 applied thereto, i.e., that the substrate comprises a “semiconductor material.” As noted above, the substrate in the Foord, Jenkins and Akashi references relate to “alumina” and has nothing to do with a semiconductor substrate because alumina is not a semiconductor. How or why the Examiner believe alumina suggests a semiconductor material is not understood (see the statement on page 6 regarding claim 35, i.e., ““596 teaches alumina (904).”). While ‘596 may teach alumina, alumina is not a semiconductor and how the Examiner believes this falls within the scope of a semiconductor material is not seen and clarification is respectfully requested. In view of the above, newly written claims 48 & 49 are believed in condition for allowance.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that remaining claims 1-35, 37-43 and 47-49 are all in condition for allowance and notice to that effect is respectfully requested. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants’ undersigned representative.

Respectfully submitted,

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